

June 18, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO OPPOSE H.R. 3824, H.R. 2619, AND SJR 47 UNLESS AMENDED TO PROHIBIT NEWLY RECOGNIZED TRIBES FROM OPENING OR OPERATING CASINOS (ITEM NO. 10, AGENDA OF JUNE 18, 2002)

Item No. 10 on the June 18, 2002 Agenda, as revised on the Supplemental Agenda, is a motion by Supervisor Antonovich to oppose H.R. 3824, H.R. 2619, and SJR 47 unless amended to prohibit newly recognized tribes from the opening or operation of any casinos on non-reservation trust land.

Two pending Federal bills, H.R. 3824 (Bono, R-CA) and H.R. 2619 (Solis, D-CA), would designate certain tribes in Southern California as Federally recognized Indian tribes. H.R. 3824 would grant Federal recognition to the Gabrieleno Band of Mission Indians while H.R. 2619 would grant recognition to the Gabrieleno/Tongva Nation. Senate Joint Resolution (SJR) 47 (Soto and Polanco), which was introduced in the California State Senate on May 22, 2002, would support the enactment of H.R. 3824.

Unless otherwise amended by statute, Federal recognition would make these tribes eligible for Federal services and also provide them with quasi-sovereign status which exempts their tribal lands from most state and local laws and regulations and allows for the operation of casino gambling. H.R. 3824 includes a section providing that gaming regulated by the Indian Gaming Regulatory Act shall not be conducted on lands taken into trust for the benefit of the Gabrieleno Band of Mission Indians. Neither H.R. 2619 nor SJR 47 include similar language providing for restrictions on gaming on tribal lands.

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These bills would circumvent the Bureau of Indian Affairs (BIA) regulatory process for granting Federal recognition to an Indian tribe. The BIA recognition process requires a petitioner to demonstrate that they meet seven criteria, including that it has been identified as an American Indian entity on a continuous basis since 1900 and that its membership consists of individuals who descend from a historical Indian tribe which has functioned as a single political entity. The petitions are evaluated by BIA staff who are anthropologists, genealogists, and historians, who make a decision based on the evidence submitted by petitioners. Over 50 tribes in California have filed letters of intent to petition for Federal recognition with the BIA, including the two tribes which are seeking recognition under H.R. 3824 and H.R. 2619.

H.R. 2619 was introduced on July 24, 2001 while H.R. 3824 was introduced on February 28, 2002. Both bills were referred to the House Resources Committee, which has not scheduled any hearings on the bills. SJR 47 has been scheduled for hearing on June 25, 2002 in the Senate Governmental Organization Committee.

There are no Board policies relating to Federal recognition of Indian tribes, and positions on these bills are a matter for Board policy determination.

DEJ:GK
MS:mt:lm

c: Executive Officer, Board of Supervisors
County Counsel